

Which was read, and

On motion of Mr. Smith of Carroll,

The message of the Executive was ordered to be put on the Journal.

STATE OF MARYLAND,

EXECUTIVE DEPARTMENT,

Annapolis, January 30, 1856.

To the House of Delegates:

In compliance with an order of the House of Delegates of the 22d inst., requesting the Governor "to furnish the House with the petitions, recommendations and reasons which influenced his decision in granting a nolle prosequi in the case of the State of Maryland vs. Wm. Kernan, indicted at the September term 1854 of the Circuit Court for Carroll county for the wilful murder of Aloysius Leuber;" I have the honor to transmit copies of all the official papers embraced by the order and to state briefly the reasons upon which Executive clemency was granted in the case.

The parties connected with the sad occurrence, referred to in the order, to wit: Aloysius Leuber, the deceased, and William Kernan indicted for murder, were both mere youths and fellow students of Calvert College in Carroll county in this State.

It seems that on some holiday occasion, in the month of July 1854, these boys with a number of other students of the College, were on an excursion of pleasure, by permission of the Faculty. On this occasion, as I am informed, a friendly contest arose (without the exhibition of any ill feeling) about the possession of a gun, which most unfortunately happened to be in the possession of one of the parties on this occasion. Kernan having obtained possession of the gun, was observed to lower the gun, making use of the expression, supposed to be in jest "I'll shoot you." To the surprise and consternation of all present the gun discharged its load upon the person of young Leuber, causing his death in the course of a few hours. Kernan was so shocked at the occurrence and overwhelmed with agony at what he had done, that I am told, the sympathy of all who were witnesses of this melancholy affair, was almost as much excited, in behalf of the survivors, as for the unfortunate youth, who had just met such a distressing and untimely fate.

On the day after the death of young Leuber, a coroner's inquest was held upon the body of the deceased, and the jury unanimously found that the killing was caused "by the careless and unintentional discharge of a gun loaded with shot which entered and passed through the base of the skull and lodged in the brain."

The House will find upon an examination of the petitions and